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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAY AREA PAINTERS AND TAPERS  
PENSION TRUST FUND, et al.

Plaintiffs,

v.

N.J. KANN PAINTING, INC., a California  
corporation,

Defendant.

Case No.: C12-5542 CW

**PLAINTIFFS' REQUEST FOR  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE; and  
[PROPOSED] ORDER THEREON**

Date: Wednesday, January 30, 2013

Time: 2:00 p.m.

Ctrm: 2, 4th Floor

1301 Clay Street

Oakland, CA

Judge: The Honorable Claudia Wilken

Plaintiffs respectfully request that the Case Management Conference scheduled for January 30, 2013, at 2:00 p.m., be continued for approximately sixty (60) days, as follows:

1. As the Court's records will reflect, this action was filed on October 29, 2012 to compel Defendant to comply with the terms of its Collective Bargaining Agreement. Service on Defendant was completed on October 30, 2012. A Proof of Service of Summons was filed with the Court on November 6, 2012. [*Docket No. 12.*]

2. On or about December 20, 2012, Plaintiffs were contacted by Defendant's counsel requesting an informal resolution. Plaintiffs have extended Defendant's time to file an Answer, to provide Plaintiffs time to work with the fund administrator to confirm the total amount owed by Defendant.

3. After amounts are confirmed, the parties anticipate that Defendant will enter into a

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**REQUEST TO CONTINUE CMC**  
**Case No.: C12-5542 CW**

1 payment plan to satisfy all amounts due, or in the alternative, Defendant can submit a lump sum  
2 payment.

3 4. Therefore, Plaintiffs respectfully request that the Case Management Conference be  
4 continued for approximately sixty (60) days in order to allow both parties sufficient time to  
5 confirm the amounts due and the terms of the settlement.

6 5. There are no issues that need to be addressed by this Court at the currently  
7 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's  
8 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled  
9 Case Management Conference.

10 6. Plaintiffs recognize that a case management conference statement is due seven days  
11 in advance of the case management conference date and that the statement must include all  
12 elements requested in the "Standing Order for All Judges of the Northern District of California –  
13 Contents of Joint Case Management Statement" pursuant to Local Rule 16-9. Should this Court  
14 require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

15 Dated: January 23, 2013

**SALTZMAN & JOHNSON  
LAW CORPORATION**

16  
17 By: \_\_\_\_\_/s/  
18 Muriel B. Kaplan  
19 Attorneys for Plaintiffs  
20  
21

22 IT IS SO ORDERED.

23 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
24 Management Conference is hereby continued to 4/3/2013, and all related deadlines are  
25 extended accordingly.

26 Date: 1/24/2013

27   
28 THE HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT COURT